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97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-499

THE UNITED STATES ACADEMY OF PEACE

JULY 19 (legislative day, JULY 12), 1982.—Ordered to be printed

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany S. 1889]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1889) to establish the United States Academy of Peace, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

The amendment to the text of the bill strikes all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

CONTENTS

	Page
I. History of S. 1889 including hearings	1
II. Need for legislation	3
III. Background	2
IV. Committee views	3
V. Cost estimate	5
VI. Votes in Committee	6
VII. Regulatory impact statement	8
VIII. Section-by-section analysis	8
IX. Additional views of Senators Matsunaga, Kennedy, Randolph, Eagleton, Riegle, Metzenbaum, and Pell	14
X. Additional views of Senators Denton, Quayle, Hawkins, Humphrey, and East	16
XI. Minority views of Senator Nickles	18

I. HISTORY OF S. 1889 INCLUDING HEARINGS

The Congress and the President created, through Public Law 95-561, as part of the 1978 Education Amendments to Title XV of the United

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States Code, the Commission on Proposals for the National Academy of Peace and Conflict Resolution. The Commission, chaired by Senator Spark Matsunaga, held hearings throughout the country and ultimately recommended establishing an academy of peace and conflict resolution.

On November 24, 1981, Senator Matsunaga introduced the United States Academy of Peace Act (S. 1889) for himself and fifty-one other Senators. The bill was referred to the Committee on Labor and Human Resources. The purpose of the Act is to establish an independent, nonprofit, national institution to serve the people and government through education and training, basic and applied research, and information services on the means to promote international peace and conflict resolution.

On December 7, 1981, the bill was referred to the Subcommittee on Education, Arts and Humanities which scheduled hearings on the proposed legislation for April 21, 1982. Notice of the public hearing was published in the Congressional Record during the period from March 2, 1982 to April 21, 1982. Twenty-five witnesses from Congress, academia, business, professional and religious organizations testified on the bill. At the hearing, Senator Stafford, the Subcommittee Chairman, scheduled a Subcommittee meeting for April 28, 1982, to consider S. 1889, the United States Academy of Peace Act.

The Subcommittee on Education, Arts and Humanities favorably reported out of the Subcommittee the proposed legislation on April 2, 1982. It was then scheduled for consideration by the Committee on Labor and Human Resources. The Committee passed S. 1889 with amendments on June 22, 1982 by a roll call vote of 10 to 6.

II. NEED FOR LEGISLATION

The Committee believes that the need for this legislation arises both from the findings of the U.S. Study Commission and from its own hearing record, that "a focused federal investment in international peace is in the national interest."

This legislation is not an entirely new concept. Its roots can be tracked back to the Presidency of George Washington (1783) and to the writings, 10 years later of Benjamin Rush (1793) who was one of the signers of the Declaration of Independence. Mr. Rush pointed out that the Federal Constitution was ". . . totally silent upon the subject of an office of the utmost importance to the welfare of the United States, that is, an office for promoting and preserving perpetual peace in our country."

III. BACKGROUND

Legislative activity in the area of peace and conflict resolution during the 20th Century has been extenstive, beginning in 1935 when United States Senator Matthew Neeley of West Virginia introduced a Department of Peace bill. Other members of Congress continued to press for the establishment of a peace-keeping body, including Senator Jennings Randolph of West Virginia. In 1945, United States Senator Alexander Wiley of Wisconsin proposed the creation of a Department of Peace. Then Congressman, Randolph also introduced a Department of Peace bill that year. Since 1945, his efforts have been tireless on behalf of peace keeping measures.

Between 1935 and 1976 more than 140 bills to establish a Department of Peace, a National Peace Agency or standing committees of Congress were introduced in the Senate or the House of Representatives. Sponsorship of this legislation has not been limited by political party or perspective.

The most recent Senate action has centered around 3 pieces of legislation. S. 1976, a peace academy bill principally sponsored by United States Senators Vance Hartke of Indiana and Mark Hatfield of Oregon was introduced in 1976. Hearings were held on the bill by the Senate Labor and Public Welfare Subcommittee on Education chaired by Senator Claiborne Pell of Rhode Island. The Committee took no further action on S. 1976.

In 1978, the Senate amended the House-passed Elementary and Secondary Education Bill with the provision to establish a Commission on Proposals for the National Academy of Peace and Conflict Resolution. The amendment was accepted in Conference, President Jimmy Carter signed the legislation in November 1978, and the appropriations were made available in 1979.

The Study Commission carried out its mandate to investigate existing, or current, programs in the field of peace learning in higher education institutions, as well as its mandate to decide whether such an academy was either feasible or practical and if so, how it would be structured. Twelve public hearings were conducted across the United States to assist the commission in this endeavor. Over 300 witnesses provided testimony for the study commisison, the majority of which supported establishing a national academy of peace.

After the Commission completed its work, it recommended to President Reagan and the Congress the establishment of a United States Peace Academy. Senator Spark Matsunaga then introduced the current proposal, S. 1889 in November, 1981.

The Committee believes that S. 1889, as amended, correctly establishes an Academy that unavoidably possesses qualities inherent in a "bricks and mortar" institution, and inherent in any institution that must also serve as a fairly centralized financial clearinghouse. But, at the same time, the Committee is confident that the reported bill is designed in such a way as to preclude its being in any way competitive with existing private or public programs in the field. Rather, the programs authorized will complement existing international studies programs, as well as catalyse the establishment of new ones where financially feasible.

IV. COMMITTEE VIEWS

The current bill, as amended in Committee, establishes the United States Academy of Peace with a non-profit corporate status. This status bars the Academy from lobbying while permitting it to receive both federal and non-federal funds. However, in any fiscal year in which the Congress of the United States does not authorize appropriations for the Academy, then the use of a United States designation in the title or seal of the Peace Academy would be prohibited.

The Academy is not an intervention agency. The Committee feels that while the Academy may study on-going crises and disputes, neither as an institution nor through its personnel should it intervene directly or indirectly in such conflicts. The Academy is not a national policy-setting agency. Other than establishing its own policies, the

Academy should not participate in policy decisions of any federal or non-federal body. It is not designed as an institution with either the role or the authority to undermine the ability of the President of the United States or the Department of State to develop or implement national foreign policy. Likewise, it is not intended that the Academy play an active role in mediating any conflict.

The National Peace Academy is to be managed by a fifteen member board of directors composed of two Members of the Senate (one from each party) appointed by the President pro tempore of the Senate; two Members of the House of Representatives (one from each party) appointed by the Speaker of the House; and eleven other persons (no more than six of whom may be members of the same political party) who are not Federal employees and who are to be appointed by the President of the United States by and with the advice and consent of the Senate.

The Committee believes it is important to urge the President, the Speaker of the House, and the President of the Senate that, when making appointments to the Board, nominees have a background or an expertise that indicates they will have concern for the goals and objectives of the Academy.

The President may remove a member of the Board. in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties. This power of removal may also be exercised upon the recommendation of ten members of the Board or upon the recommendation of a majority of the members of the Committees on Foreign Affairs, and Education and Labor of the House of Representatives and a majority of the members of the Committee on Labor and Human Resources and Foreign Relations of the Senate. Members of the Board will serve staggered terms with time limitations on their service.

The Chairman of the Board of the Peace Academy is required to prepare and transmit to the Congress and the President of the United States a progress report on implementing the purposes of the Act every 2 years. Hearing would be held by the Congress after the President had submitted comments by the executive branch on possible legislative changes.

Meetings of the Board of Directors of the Peace Academy may be closed only in exceptional circumstances. Therefore, unless matters of national security are in question, all other Board meetings would be open to the public.

Facilities for the principal offices of the Peace Academy are to be established in or within easy reach of the District of Columbia. A $15,000,000 capitalization fund (a one time authorization) is to be used for the purpose of purchasing, leasing, renting or otherwise acquiring and improving a suitable site or sites for establishing the Peace Academy. Funds for establishing the programs and administering the affairs of the Academy are authorized to be appropriated for the fiscal year 1983 at $6 million and $10 million for fiscal year 1984.

The Committee is very sensitive to the issue of cost, especially given the budgetary questions that confront us. But the Committee is persuaded by both the Commission's findings and the Subcommittee hearing record, that the authorization contained in S. 1889 is reasonable.

The major functions of the Peace Academy consist of research, education, training and information services in peace and conflict resolution. Research undertaken at the Academy and through Academy grant and contract support may include Federal requests. The Peace Academy may refuse such research requests for reasons of cost or inappropriateness to the Academy's purposes or independence. However, requests such as a GAO audit or information regarding the activities of the Academy requested by members of the executive or legislative branches of government could not be rejected.

Education and training programs at the graduate and post-graduate levels of both a short- and long-term nature would be provided at the U.S. Academy of Peace. Short courses would be directed to training persons in mid-career, while long-term education would be offered to a select student body in residence.

The final function, providing information services, would further the "corporate memory" of the field of peace learning by making its literature and knowledge of conflict resolution easily accessible and useful. Both foreign and American sources would be available at the Academy as well as published and unpublished documents.

While the Academy has domestic functions to fulfill—research, education, training, and information services in peace and conflict resolution—it is intended that its focus in these services be on international peace and on the resolution of international conflicts. In this regard, it is not intended that the Academy seek to diminish or supplant the training, role or services of that host of judges, attorneys, clergy, elected officials, community leaders, professional arbitrators and others who on a daily basis assist in the resolution of countless conflicts within the United States.

V. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 12, 1982.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1889, the United States Academy of Peace Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1889.
2. Bill title: United States Academy of Peace Act.
3. Bill status: Ordered reported from the Senate Labor and Human Resources Committee June 22, 1982.
4. Bill purpose: The purpose of this bill is to establish an independent, nonprofit national academy of peace. This bill is subject to subsequent appropriation action.
5. Cost estimate:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Capitalization fund:					
Authorization level	15				
Estimated outlays	8	7			
Operating and program expenses:					
Authorization level	6	10			
Estimated outlays	5	10	1		
Bill total:					
Authorizationd level	21	10			
Estimated outlays	13	17	1		

The costs of this bill fall in Function 500.

6. Basis for estimate: The costs associated with S. 1889 are the authorization levels specifically stated in the bill for the capitalization fund and operating and program expenses.

The estimated outlays assume full appropriation of authorized levels. The capitalization fund is estimated to spend out over two years reflecting the intention to purchase a permanent facility as soon as possible. The program and operating funds reflect the spendout rate of other salaries and expense accounts of 94 percent the first year and the remainder in the second.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis).

VI. VOTES IN COMMITTEE

Pursuant to Section 133(b) of the Legislative Reorganization Act of 1946, the following is a tabulation of votes cast in both Subcommittee and Committee on S. 1889.

The United States Peace Academy Act was favorably passed by the Subcommittee on Education, Arts and Humanities with a 6–2–1 vote on April 28, 1982. The vote on reporting the bill to the Committee on Labor and Human Resources was as follows:

Ayes	Nays	Abstain
Stafford	East	Quayle
Weicker [1]	Denton	
Pell [1]		
Kennedy [1]		
Randolph		
Eagleton [1]		

During Committee consideration of S. 1889, Senator Randolph offered an amendment to strike all references to "buildings and grounds" so that the intent of the Act for spending the $15 million capitalization fund could not be interpreted as being new construction of an Academy to house its research, education, dissemination and training components. The Academy would be located in or within easy

[1] By proxy.

reach of the District of Columbia. The amendment further prohibited federal appropriated funds to be used for cash awards or the annually bestowed Medal of Honor. The amendment passed without objection.

Senator Denton offered an amendment in the nature of a substitute to the Peace Academy Act to be called the "Centers and Fellowship for Peace and Conflict Resolution Act." It would have amended the Higher Education Act of 1965, which provides grants in area studies in international affairs, to include grants for the study of international conflict and the techniques of conflict resolution and the peaceful resolution of disputes. Under the new act, students studying at institutes which would receive such grants would qualify for stipends to be described as "The Jennings Randolph Fellowships for the Study of Peace and Conflict Resolution." Funds to be awarded for those grants and fellowships could not be less than 30 percent of the funds appropriated under the title for each fiscal year or $3 million, whichever was greater. Not less than 33½ percent of the funds available overall could be used for Randolph fellowships. The substitute was defeated 9–7 as follows:

Ayes	*Nays*
Quayle [1]	Stafford
Hawkins	Weicker [1]
Denton	Kennedy
East	Randolph
Humphrey	Pell [1]
Nickles [1]	Eagleton [1]
Hatch	Reigle [1]
	Metzenbaum [1]
	Matsunaga

Five amendments offered by Senator Stafford were accepted by voice vote. Two amendments were of a technical nature, keeping the proposed legislation consistent with the Congressional Budget Act of 1974. The second two amendments clarified ambiguities in the proposed bill. One amendment specified that the Peace Academy could refuse only research requests for cost or inappropriateness to the Academy's purposes or independence. The other amendment stipulated that Board meetings of the Peace Academy could be closed only in exceptional circumstances. The final amendment prohibited employees of the Peace Academy from lobbying on legislation at the local, state, federal or international level.

Senator Humphrey offered the last three amendments to S. 1889. The first amendment mandated the Board Chairman of the Peace Academy to prepare and transmit to the Congress and the President a progress report on implementing the purposes of the Act every 2 years to be followed by executive comment and congressional hearings on the report and the Academy's activities. The second amendment provided additional grounds for Presidential removal of members of the Board of Directors of the Academy. The third amendment prohibited the use of a United States designation in the title or seal of the Peace Academy if no authorization of appropriatiosn were made in any fiscal year. All three amendments were passed without objection.

[1] By proxy.

S. 1889, as amended, was favorably reported (10–6) out of committee as follows:

Ayes	*Nays*
Stafford	Quayle [1]
Weicker [1]	Hawkins
Kennedy	Nickles [1]
Randolph	Humphrey
Pell [1]	Denton
Eagleton [1]	East
Riegle [1]	
Metzenbaum [1]	
Matsunaga	
Hatch	

VII. REGULATOGY IMPACT STATEMENT

In accordance with paragraph 5(a) of rule XXIX of the Standing Rules of the Senate concerning the regulatory impact of proposed legislation, the Committee provided the following evaluation of the anticipated additional paperwork and other regulatory impact that would result from the implementation of S. 1889, which establishes the United States Academy of Peace:

A. Estimated number of individuals and businesses regulated and their group or classifications

No new classification of individuals or businesses in the private sector would become subject to regulation as a result of this legislation.

B. Impact of the act on personal privacy

This legislation has no impact on personal privacy.

C. Additional paperwork, time and costs

It is not anticipated that implementation of this legislation will impose any additional paperwork, time or cost upon the private sector. An amendment adopted by the Committee will provide for a reportting requirement so that every 2 years a report is filed by the Chairman of the Board of the Peace Academy to the Congress and the President of the United States outlining the progress of the Academy in implementing the purposes of the Act.

D. Economic impact of such regulation on individuals or businesses

Federally appropriated funds for the Peace Academy will be used to employ leaders in the field of conflict resolution to teach at the Academy. Grants will also be issued to individuals and groups to conduct research in peace and conflict resolution.

VIII. SECTION BY SECTION ANALYSIS

Preamble short title

The Preamble specifies that the Act may be cited as the "United States Academy of Peace Act."

Sec. 2 Declaration of findings and purposes

Sec. 2(9)(1)–(9) declares there are 9 congressional findings for why an Academy of Peace should be established. Sec. 2(b) declares

[1] By proxy.

the purpose of the Academy to serve the people and the government as an independent, nonprofit, national institution through peace research, education, training and information services. The purpose of the Academy is not intended to function as a policy-setting entity.

Sec. 3 Definitions

Sec. 3 defines the term "Academy" as the United States Academy of Peace established under the Act, the term "Board" means the Board of Directors of the Academy and the term "Center" means the Center for International Peace of the Academy.

Sec. 4 Establishment

Sec. 4(a) establishes the United States Academy of Peace. The term "United States" in the Academy's title emphasizes the official, national stature of the institution. The term "Academy" refers to the educational mission of the new entity. Use of the term "Peace" reflects not only a desirable state of well-being, but also a state which encompasses a vigorous process to attain.

Section 4(b) establishes the United States Peace Academy as an independent nonprofit corporation. As an independent institution the Academy would be responsible for both its successes and failures. As a nonprofit entity the Academy would be unable to lobby while permitted to receive federal and private funds.

Sec. 4(c) designates the District of Columbia as the location for the central facilities and administrative offices of the Academy. Other sites and facilities for the Academy may be located outside of the Washington, D.C. areas as provided in Sec. 4(d).

Sec. 4(e) provides for the establishment of a legal entity known as the "Endowment of the United States Academy of Peace" as an endowment fund. Sec. 4(f) confirms the liability of the Academy for the acts of its officers and employees.

Sec. 4(g)(1) reserves the right of the Academy to the exclusive use of the terms "United States Academy of Peace," "Center for International Peace," and "Endowment of the United States Academy of Peace," as well as the Academy's use of associated emblems, badges and seals. Sec. 4(g)(2) specifies that the use of the designation "United States" or "U.S." or any other references to the United States government in its corporate seal, emblem, badge or the like must be contingent on an authorization of appropriations for the Academy for such fiscal year provided by law.

Sec. 5 Powers and duties

Sec. 5(a) Confers general authority upon the Academy to exercise the powers of a nonprofit corporation as contained in the District of Columbia Nonprofit Corporation Act, except Sec. 5(c) of the Act which empowers the corporation to cease its corporate activities and surrender its corporate franchise.

Sec. 5(b)(1) authorizes the establishment of a Center for International Peace where leaders and scholars in the field of international peace could reside for up to two years with Academy support. The Academy is further empowered to establish programs, schools, and offices as appropriate in implementing its function under Sec. 5(b)(2) and to enter into both formal and informal relationships with other institutions under Sec. 5(b)(3).

Sec. 5(b)(4) empowers the Academy to conduct research of a multidisciplinary nature into the causes of international conflict and the elements of international conflict resolution. The development of associated programs and materials for the practical implementation of this research is provided for under Sec. 5(b)(5). The development of peace education and research degree programs at both the graduate and undergraduate level is provided for under Sec. 5(b)(6) while short-term training in peace and conflict resolution is empowered under Sec. 5(b)(7).

Sec. 5(b)(8) and (9) provides the Academy with information service functions through developing its own publications and establishing a clearinghouse for the dissemination of peace information to the public and government personnel.

The annual award by the President of a United States Medal of Peace to a deserving individual or groups is empowered under Sec. 5(b)(10). Medals and cash awards must be paid in accordance with Sec. 10(b)(2).

Sec. 5(b)(11) authorizes the Academy's right to secure without reimbursement, information from any federal department or agency necessary to carry out its purposes so long as the release of the information would not unduly interfere with the proper functioning of the agency.

Sec. 5(c)(1)–(5) permits the Academy to engage in extension and outreach activities through grants and contracts with public and private educational, training, and research institutions, as well as with appropriate state and territorial departments and agencies. Grants may be made only to nonprofit or official public institutions. Grants and contracts are authorized on behalf of basic and applied research concerning international peace and conflict resolution, for the promotion of international peace studies, for the purpose of education and training in the theories and techniques of peaceful conflict resolution to assist the Academy in its information dissemination functions, and to promote other purposes of the Act.

Sec. 5(d) sanctions academy studies and investigations in response to requests from federal agencies and departments, with the caveat that research requests may be refused for reasons of cost or incompatibility with the Academy's purpose or independent status.

The Academy is further empowered by the bill to enter into contracts for the operation of the Academy, Sec. 5(e), to appoint, and compensate Academy officers and employes, Sec. 5(f), to adopt and amend by-laws Sec. 5(g) to obtain grants and contracts and receive gifts and contributions, Sec. 5(h), and to impose fees in connection with publication subscriptions and participatory activities associated with the Academy, Secs. 5(i) and (j). The proposed legislation confers legal capacity upon the Academy for purposes of judicial proceedings, Sec. 5(k), authorizes the Academy to adopt and use a corporate seal, Sec. 5(l), and generally empowers the organiaztion to engage in all lawful acts which are consistent with its purposes under the Act, Sec. 5(m). Sec. 5(n) stipulates the Academy may not lobby on behalf or against any legislation at the federal, state or local level or the United Nations. Formal requests by a legislative body for testimony by a member of the Academy is exempted from this provision.

SEC. 6. BOARD OF DIRECTORS

A Board of Directors of the Academy is established under Sec. 6(a). Sec. 6(b)(1)–(3) specifies the composition of the fifteen member body.

Two Members of the Senate, one from each of the major political parties, appointed by the President *pro tempore* of the Senate; two Members of the House from each of the major political parties, to be appointed by the Speaker of the House and eleven other persons (no more than six of whom may be members of the same political party) who are not employees of the Federal Government and who are to be appointed by the President of the United States by and with the advice and consent of the Senate are to be members of the Board of Directors of the Peace Academy.

The legislation specifies that each director is to take an oath of office administered by the Vice President of the United States, Sec. 6(c), and that members of the Board shall serve limited terms, Sec. 6(d). In the case of Congressional members of the Board, the bill provides for a single term of six years while the Member continues to serve in Congress. With regard to the remaining members of the Board, the bill requires staggered terms of service varying from three to five years for initial Board appointees; thereafter, each Presidential appointee is to serve for a five-year term unless appointed to fill an unexpired term. Presidential appointees are prohibited from serving on the Board for more than ten years, Sec. 6(d)(1)–(2).

Whenever a vacancy occurs on the Board before the expiration of a Congressional director's term of office, the vacancy is to be filled in accordance with an appointment by the President pro tempore of the Senate or the Speaker of the House as appropriate. If the vacancy is that of the unexpired term of a Presidential appointee, then the position is to be filled through the Presidential selection of a nominee for the Senate confirmation in accordance with a list of nominees furnished by the Board, Secs. 6(e)(1) and (2). Similarly, the Board is to provide the President with a list of nominees at a specified time interval prior to the normal expiration of a Presidential appointee's term of office. Subsequently, the President shall select a nominee from the Board's list and submit the nominee's name to the Senate for confirmation in accordance with specified time requirements, Sec. 6(f).

Sec. 6(g) authorizes the removal of members of the Board of Directors, Congressional directors may be removed from the Board by either the President *pro tempore* of the Senate or the Speaker of the House as appropriate, for malfeasance in office, persistent neglect of duties, or inability to discharge duties. Board members appointed by the President may be removed by the President for the same grounds abovementioned, except with the additional reason of conviction of a felony, or where the Board has recommended removal by a vote of ten members or upon the recommendation of a majority of the members of the Committees on Foreign Affairs and Education and Labor in the House of Representatives and a majority of the members of the Committees on Labor and Human Resources and Foreign Relations of the Senate.

Sec. 6(h) prohibits Board members from participating in any official action which is associated with an organization—public, private,

or nonprofit—that member is formally affiliated with or has been formally associated within the past two years.

Meetings of the Board of Directors are governed by Sec. 6(i)(1)–(4), the first Chairman of the Board is to be named by the President and serve a three year term. Subsequently, the Board shall elect a chairman every three years from among the directors appointed by the President. The Board may elect a Vice Chairman if its bylaws so provide.

The Board must meet at least semiannually but may meet more often as requested by the Chairman, through the written request of five Board members, or as provided in the bylaws. Adoption and amendment of bylaws may occur upon a majority vote of Board members. Meetings of the Board shall be open to the public unless exceptional circumstances arise where the national security of the United States or any ongoing peace proceeding might be jeopardized through the disclosure of information or matters are exempted from public disclosure pursuant to law.

Secs. 6(j) and 6(k) provide for the salaries of directors appointed by the President and authorizes travel expenses and *per diem* allowance for directors in connection with the performance of their duties for the Academy.

Sec. 7 Officers and employees of the Academy

Sec. 7 of the proposed legislation indicates that the Board is to appoint the president and other officers of the Academy, Sec. 7(a), and that the president is authorized to receive and disburse moneys, to obtain and make grants, to enter into contracts, and generally to undertake all other activities necessary for the efficient and proper functioning of the Academy, Sec. 7(b). Moreover, the bill permits the President within the framework of Academy bylaws and Board policy, to appoint and remove Academy employees, Sec. 7(c), and to request the assignment of Federal officials to the Academy in accordance with an agreement with the relevant Federal agency, Sec. 7(d).

Serving to reinforce the independence of the Academy are additional provisions of the bill generally prohibiting officers and employees of the Academy from receiving salary income outside the Academy, Sec. 7(e), disavowing any Federal employee status for officers and employees of the Academy except in limited situations, Sec. 7(f), and forbidding Academy officers and employees from receiving the income or assets of the Academy (excluding salaries) or any loans therefrom, Secs. 7(g) and (h).

Sec. 8 Procedures and records

Sec. 8(a) requires the Academy to monitor and evaluate its programs to ensure compatibility with the Act. Procedures must be prescribed in Sec. 8(b) whereby persons and entities affected by the suspension of Academy grants or contracts have sufficient notice of such actions and are given the opportunity to show cause why the suspension should not take place. The Academy is permitted to consider the peacekeeping background and experience of candidates when selecting persons to participate in Academy activities under Sec. 8(c).

Sec. 8(d) specifies that the Academy must maintain a complete and accurate financial record, including separate accounting for the re-

ceipt and disbursement of federal and non-federal funds. Minutes of all Board meetings and associated committee proceedings are required under Sec. 8(e), and Sec. 8(f) requires specific records to be maintained at the principal Academy office in Washington, D.C. An independent audit is mandated every year of the Academy's accounts under Sec. 8(g) and the submission of a report of that audit to the President of United States and to the Senate and House of Representatives is stipulated under Sec. 8(h). Sec. 8(i) provides that the Academy, its officers, and Academy employees are subject to the requirements of the Freedom of Information Act.

Sec. 9 Independence and limitations

Sec. 9(a) clarifies that the Academy is an independent entity, not to be considered an agency, department or instrumentality of the federal government. Sec. 9(b) further clarifies that no political test or qualification may be employed in connection with the Academy's personnel or funding activities.

Sec. 10 Funding

Sec. 10(a) authorizes a capitalization fund of $15,000,000 for the purpose of purchasing, leasing, renting, or otherwise acquiring and improving a site for the principal office of the Academy, and the Center for International Peace in or within easy reach of the District of Columbia. Sec. 10(b)(1) establishes administrative and programming funds of $6,000,000 for FY 1983 and $10,000,000 for FY 1984. Expenses incurred by the Academy in establishing or awarding either a United States Medal of Peace or cash award must be paid out of non-federal funds as stipulated in Sec. 10(b)(2). Sec. 10(c) allows for the transfer of federal funds which remain unexpended during the fiscal year to the endowment fund established by Sec. 4(e) of this Act without regard to fiscal year limitations. Contract authority is effective for a fiscal year only in the amount provided in appropriation Acts under Sec. 10(d).

Sec. 11 Dissolution or liquidation

The bill provides that upon dissolution or final liquidation of the Academy, the income and assets of the corporation are to revert to the Treasury of the United States.

Sec. 12. Reporting requirement and requirement to hold hearings

This section requires the Board Chairman of the Peace Academy to prepare and transmit to the Congress and the President a progress report on implementing the purposes of the Act every two years. Hearings are to be held by Congress after the President has submitted comments by the executive branch on possible legislative changes.

SPARK MATSUNAGA.
TED KENNEDY.
JENNINGS RANDOLPH.
TOM EAGLETON.
DON RIEGLE.
HOWARD METZENBAUM.
CLAIBORNE PELL.

IX. ADDITIONAL VIEWS OF SENATORS MATSUNAGA, KENNEDY, RANDOLPH, EAGLETON, RIEGLE, METZENBAUM, AND PELL

In favorably reporting S. 1889, the U.S. Academy of Peace Act, the Senate Committee on Labor and Human Resources has taken a very significant step toward the establishment of a federal institution devoted to the peace education and peacemaking capabilities of the American people.

America's heritage, power and prestige make the United States a major force for world peace. Yet, in this century, Americans have fought and died in two world wars, in Korea and Vietnam, and in other smaller and briefer conflicts. We have experienced the bitterness of war and its impact on our economy, politics, and ability to concentrate on serious national problems. We know the drain of preparation for war, and we know that uncertain world conditions compel such expenditures. We know that, whether from cries for justice and freedom or from natural and manmade disruptions to daily toil, international conflicts inevitably affect us. And we know that when there is war of the likelihood of war, there is no real national security; that was true before the nuclear age and it is even more true today.

In introducing S. 1889, we understood the considerable skepticism about a federal peace institution and the need to examine the idea closely. This Committee's Subcommittee on Education, Arts and Humanities held six hours of public hearings on the legislation on April 21, 1982, and the full Committee also devoted several hours to considering this bill. Prior to the introduction of S. 1889, a nine-member federal study commission established by the Congress held public hearings on the concept of a national peace academy throughout the country and published a 388-page report recommending the establishment of such an institution. During the Commission's hearings and during the subsequent hearings of the Subcommittee on Education, Arts and Humanities, many witnesses pointed to the need for a coordinated and focused national investment in peace.

The United States Peace Academy recommended by the Committee on Labor and Human Resources would have the following major functions: first, it would provide educational opportunities at the graduate and post-graduate level for students at existing institutions of higher education, thus complementing the existing programs, and it would provide continuing education services for individuals and organizations in the private sector, government and voluntary associations; secondly, the Academy would conduct research and will provide contracts and grants for related research at other institutions; and, finally, the Peace Academy would disseminate its findings in the form of reports and scholarly papers. S. 1889 also provides for the establishment, within the Peace Academy, of a Center for International Peace

to which leaders from this nation and abroad would be appointed to study the art of conflict resolution.

It is anticipated that the Peace Academy will receive its core funding from the federal government, but with significant support from the private sector. In addition, amendments adopted during the full Committee's consideration of S. 1889 provide for strengthened congressional oversight over the Peace Academy and we believe that this will contribute to the Academy's prestige and effectiveness.

We are pleased that 54 senators have already agreed to cosponsor the U.S. Academy of Peace Act and we recommend its early, favorable consideration by the Senate.

SPARK M. MATSUNAGA.
EDWARD M. KENNEDY.
JENNINGS RANDOLPH.
THOMAS F. EAGLETON.
DONALD W. RIEGLE, JR.
HOWARD M. METZENBAUM.
CLAIBORNE PELL.

X. ADDITIONAL VIEWS OF SENATORS DENTON, QUAYLE, HAWKINS, HUMPHREY, AND EAST

Like all responsible people, we are devoted both to the ideal of peace and to every responsible effort to bring it about, but the issue here certainly is not one of commitment to peace. It is not even an issue of whether the federal government should encourage and support research and education in the history, theory, and techniques of peacemaking, peacekeeping, and conflict resolution. It is an issue of the most efficacious way for the government to act.

We believe that the concept and the substance of S. 1889, a bill to create a "United States Academy of Peace," are flawed, that the proposed Academy would do little good for our country, that it would have negative consequences for important parts of our educational system, and that it would divert attention, effort, and scarce federal dollars from more important tasks.

Aside from the philosophical implications and problems of any attempt to create an institution to teach "peace" as if it were a discrete subject divorced from "war" or from international affairs as a whole, S. 1889 must be faulted in three pragmatic respects.

First, the concept is opposed by the Administration, including the Office of Management and Budget, the Department of State, and the Department of Education.

Second, the funds requested are additive both to the President's budget request and to currently funded activities. The Administration opposes the bill for this reason as well. Although the funding requested is not large in comparison with many other federal programs ($21 million for Fiscal Year 1983, including the acquisition of physical facilities, and $10 million for Fiscal Year 1984), it is still substantial in comparison with the costs of private educational institutions and with the size of current federal programs for international affairs education.

Third, we already have the world's most impressive capability for research and education in international affairs and the great questions of war and peace. Students come from all over the world to study at the American colleges, universities, and graduate schools that have pioneered and developed international affairs education in all its aspects, including "peace" studies. There are many, many institutions in our country, public and private, that now teach, conduct research, and disseminate information about exactly the same subjects that the "United States Academy of Peace" would or could consider. And our most respected international affairs educators are, almost unanimously, opposed to S. 1889.

In educational terms, the establishment of a taxpayer funded "Academy of Peace" would be a symbolic act at best. The structure it seeks to establish for "peace" studies already exists in our colleges and universities, in private foundations, in our service academies in the so-called "war colleges," in the National Defense University, and in our

professional schools of international affairs. To suggest otherwise is inaccurate and does a disservice to all those institutions and to those who have studied, taught and conducted research there.

It is those institutions that have produced the individuals who, in government service and in private endeavor, have kept this country secure and who have promoted and pursued the cause of peace throughout the world. Those familiar with the quality of the personnel in our governmental foreign affairs agencies cannot accurately question the ability of our public and private educational institutions to produce individuals devoted to the maintenance of peace and capable of working effectively in its interest.

Rather than establish what would amount to a federally-funded graduate school for a private clientele, which would be in itself a disturbing precedent for our free and diverse educational system, it would be more efficient, more practical, and above all more beneficial, to use the federal program already effectively operating to assist the study of international affairs: Title VI of the Higher Education Act. As a substitute for S. 1889, we support a program that would use 30% of the funds appropriated for Title VI, or $3 million, whichever is greater, to encourage and assist our educational system in the teaching and study of peace and conflict resolution. Our program would use the established Title VI mechanisms of institutional grants and fellowships to bring about that result. Our proposal is supported both by the Administration and by our most distinguished international affairs educators.

We see no need for, and no benefit from, establishing what the Department of State describes as a "quasi-governmental institution and bureaucracy complete with 'buildings and grounds' " to do something our educational system already does, and does very well. Indeed, we believe that it would be seen in other countries as hypocritical and propagandistic; others could hardly consider as impartial or objective an institution lavishly funded by the United States government and bearing the official title "United States Academy of Peace."

Our government has been and continues to be devoted to peace. Any assertion that we do not devote efforts to peace that are comparable in seriousness and proportion of the national energy to those we devote to the possibility of war is simply not credible. Indeed, many argue that we have been so devoted to the cause of peace that we have neglected our national defense.

We strongly share the goals of those who support S. 1889, but we believe there are better ways to achieve them. We believe that if the Congress is indeed concerned that our citizens, and those citizens of other countries who may come here to study, have greater opportunities for the study of peace and conflict resolution, then the Congress should direct the existing mechanism, Title VI, to that end and ensure that sufficient funds are appropriated to enable its activities to be conducted successfully.

JEREMIAH DENTON.
DAN QUAYLE.
PAULA HAWKINS.
GORDON J. HUMPHREY.
JOHN P. EAST.

XI. MINORITY VIEWS OF SENATOR NICKLES

I can well understand the significant support which has developed over the years for the creation of a United States Academy of Peace. The tensions and international conflict which mark many countries even this day are of great concern to all of us. If I thought that this legislation—the creation of a national Academy of Peace—represented even a part of the remedy for these problems, it would have my vote.

However, I do not believe that S. 1889 is that answer. It represents an answer in the ideal form. It is true that we need diplomats which have been well trained in negotiation and diplomacy. But, I agree with my colleagues, Senators Denton, Humphrey, Quayle, East, and Hawkins, that there are already fine private graduate schools which exist for the very reason that S. 1889 is proposed. No new federal creation is needed. In fact, not only is this area being handled in the private sector, but the federal government has already been assisting this effort through Title VI of the Higher Education Act.

In addition, I don't believe that the creation of federal educational institutions is in the tradition of our system of higher education. With the exception of certain military academies, education has always been a state and private matter. To establish a national Academy of Peace is one more erosion in this distinction . . . one more intrusion by the federal government into an area which has traditionally been a state and private matter.

The cost, thirty-one million through 1984, would indeed be small if this Academy could do and be what is claimed. However, in view of the fact that foreign diplomacy and international relations are already being taught by very fine institutions in this country, S. 1889 represents thirty-one million which could be used in areas where there is no other source of funding.

For these reasons, I oppose S. 1889.

DON NICKLES.

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